

REMARKS

Claims 1-5, 10-13, 16, 17 and 23-30 are pending in this application. By this amendment, claims 1-5, 10-13, 16, 17, 23, and 24; claims 6-9, 14, 15, and 18-22 are canceled without prejudice to or disclaimer of the subject matter contained therein; and claims 25-30 are added. Support for amended claim 1 may be found in originally filed claims 6 and 7; and support for amended claim 12 may be found in originally filed claims 15, 19, and 20. No new matter is added. Claims 1 and 12 are the independent claims.

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 2, 4-13, and 15-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,601,886 ("Ishikawa") in view of U.S. Patent No. 6,338,885 ("Prevost"). Applicant respectfully traverses this rejection for the reasons discussed below.

Applicant respectfully submits that the Ishikawa and the Prevost references, individually or in combination, fail to disclose or even suggest, inter alia:

the at least one support loop protrudes less in relation to the grass blades from the backing, and **the at least one support loop being formed outside the row of grass blades** (*emphasis added*)

as recited in amended claim 1.

In contrast, although the Ishikawa reference discloses artificial grass filaments 3 and assist filaments 4 formed in alternate rows (FIGS. 1 and 3-5; and col. 1, lines

62-65), it is submitted that the Ishikawa reference is silent regarding the position of the assist tufts 70 in their row with respect to successive artificial grass-like tufts 6 in an adjacent row. In other words, Ishikawa does not disclose or even suggest the assist tufts (support loops) arranged between successive grass-like tufts (blades). For instance, example embodiments according to claim 1 disclose a combination of artificial grass blades arranged in rows and at least one support loop between the blades, wherein the at least one support loop may be formed outside the rows of blades. Such a configuration may provide advantageous production engineering purposes¹, e.g., by placing the at least one support loop outside the rows of blades, they may be made using separate looping hooks while avoiding interference between the secondary hooking loops and the looping hooks with which the blades are formed.² Moreover, in case the blades and/or the support loops are formed from relatively thick and/or heavy fiber material which protrudes relatively far below the backing, the offset arrangement ("outside the rows") of the support loops will result in a more even distribution of protruding fiber material, thus providing a studded structure.³

Therefore, Applicant respectfully submits that the Ishikawa reference fails to disclose or suggest, "the at least one support loop being formed outside the row of grass blades," as recited in amended claim 1.

In regard to the Prevost reference, since the Prevost reference does not mention any "support loops", it cannot disclose or suggest, "the at least one support loop being formed outside the row of grass blades." At most, the Prevost reference teaches the arrangement of artificial grass blades ("ribbons" 7) in parallel rows 5.

¹ See paragraph [0007] in the published application.

² See paragraph [0029] in the published application.

³ See paragraph [0008] in the published application.

Since the rejection fails to disclose or suggest each and every element of the rejected claims, Applicant respectfully submits that no *prima facie* case of obviousness has been established with respect to claim 1.

In view of the above, Applicant respectfully submits that the Ishikawa and the Prevost references, individually or in combination, fail to teach or suggest each and every element of claim 1, and therefore, claim 1 is allowable over the cited prior art. Claims 2-5, 10, 11, and 25-27, are dependent from claim 1, and therefore, also allowable. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Claim 12 and the dependent claims 13, 16, 17, 23, 24, and 28-30 are method claims which correspond to claim 1. For instance, claim 12 recites, *inter alia*, “the backing material is formed into a fabric and the blades are connected to the fabric by tufting, and wherein at least one support loop is tufted into the fabric between successive blades, in which the at least one support loop is pressed less far through the fabric than the adjacent blades, the at least one support loops being formed outside the row of blades.” Applicant respectfully submits that these claims are allowable for the same reasons presented above in regard to claim 1.

Claims 3 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishikawa in view of Prevost as applied to claims 1 and 12 above, and in further view of U.S. Patent No. 6,955,841 (“Weghuis”). Applicant respectfully traverses this rejection for the reasons discussed below.

Claims 3 and 14 are believed to be allowable for at least the reasons set forth above regarding claims 1 and 12. The Weghuis reference fails to provide the teachings

noted above as missing from the Ishikawa reference and/or Prevost reference. Since claims 3 and 14 are patentable at least by virtue of their dependency on either independent claims 1 or 12, Applicant respectfully requests that the rejection of claims 3 and 14 under 35 U.S.C. § 103(a) be withdrawn.

Further, although the Weghuis reference may teach the features of artificial grass blades or fibers 2 and damping elements 4 arranged between the blades 2, it does not disclose or suggest arranging the at least one support loop between successive blades and being formed outside of the row of blades. In fact, Weghuis is silent about the specific position of the damping elements 4, which may be further artificial grass fibers. Since the drawing figures of Weghuis are schematic cross-sections only, it is not clear if it discloses rows of damping elements 4 arranged between rows of artificial grass fibers 2, or individual damping elements 4 arranged between successive fibers 2 in a row.

Accordingly, Applicant respectfully submits that the rejection of claims 3 and 14 under §103(a) is improper, and respectfully requests that it be withdrawn.

CONCLUSION

In view of the above remarks and amendments, Applicant respectfully submits that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. Further, the above remarks demonstrate the failings of the outstanding rejections, and are sufficient to overcome the rejections. However, these remarks are not intended to, nor need they, comprehensively address each and every reason for the patentability of the claimed subject matter over the applied prior art.

Accordingly, Applicant does not contend that the claims are patentable solely on the basis of the particular claim elements discussed above.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned, at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By  A 48078
Donald J. Daley, Reg. No. 34,313

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

DJD/DJC:clc